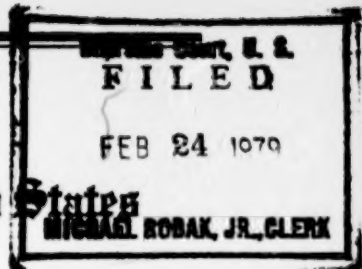


IN THE
Supreme Court of the United States
October Term, 1978



No. 78-1083

HARVEY S. KORNIT,

Petitioner,

against

**BOARD OF EDUCATION of the
PLAINVIEW-OLD BETHPAGE SCHOOL DISTRICT
PLAINVIEW, NEW YORK,**

Respondent.

**SUPPLEMENT TO THE PETITION FOR A WRIT OF
CERTIORARI TO THE UNITED STATES COURT
OF APPEALS FOR THE SECOND CIRCUIT**

HARVEY S. KORNIT

Petitioner Pro Se

70-25 Yellowstone Boulevard

Forest Hills, New York 11375

Tel. No. 212-261-8578

IN THE
Supreme Court of the United States

October Term, 1978

No. 78-1083

HARVEY S. KORNIT,

Petitioner,

against

BOARD OF EDUCATION of the
PLAINVIEW-OLD BETHPAGE SCHOOL DISTRICT
PLAINVIEW, NEW YORK,

Respondent.

**SUPPLEMENT TO THE PETITION FOR A WRIT OF
CERTIORARI TO THE UNITED STATES COURT
OF APPEALS FOR THE SECOND CIRCUIT**

In conformity with Rule 24(5) of the Rules of the Supreme Court of the United States, the petitioner, Harvey S. Kornit, respectfully submits a Supplement to his Petition for a Writ of Certiorari.

The petitioner wishes to call to the attention of the United States Supreme Court two related cases, and the recent court decision in one of these cases. The decision was made after the Petition for a Writ of Certiorari was brought to the printers. The petitioner was recently advised of the decision.

1. The United States District Court for the Southern District of New York in *Starrs et al. v. Bock et al.*, 77 Civ. 5435, in a Memorandum Decision dated December 21, 1978, in part stated the following:

"Plaintiffs have alleged no facts which make this case distinguishable from *Kornit*. Accordingly the court must conclude that plaintiffs have made an insufficient showing of pecuniary bias either to excuse their failure to exhaust their administrative remedies or to prevail on the merits of their constitutional claims."

The decision in *Starrs v. Bock* is based considerably on the Decision of the United States District Court for the Eastern District of New York, the late Honorable Orrin G. Judd, in the current action as indicated on Page 15 of the Memorandum Decision, which is unreported.

2. The United States District Court for the Southern District of New York, however, in its Decision in *Starrs v. Bock*, *supra*, makes a significant acknowledgement.

The District Court, in Footnote 7, stated the following:

"As in *Arnett*, the Court of Appeals in *Sanford v. Rockefeller*, *supra*, was principally concerned with the constitutionality of the Taylor Law, No. 210.2 insofar as it permitted the imposition of the penalties of withholding double pay and loss of tenure without a prior hearing. The Court of Appeals upheld the act. The parties apparently did not raise, and the court did not consider, whether the statute's authorization of the school district superintendent to make the initial determination was a separate and distinct violation of the due process clause, *nor did the briefs filed on appeal with the Supreme Court appear to have raised this issue*. See Nos. 74-1178, 74-1193, 42 U.S.L.W. 3557 (April 15, 1975). *The court must thus conclude that the issue of the Superintendent's pecuniary bias was not before the Supreme Court when it summarily dismissed the Sanford appeal.*" (Italics added)

The petitioner in the current action bases his position primarily on the pecuniary bias of the Board of Education and the Superintendent of Schools (or Acting Superintendent of Schools). It must be noted that *Sanford v. Rockefeller*, *supra*, was *not* concerned with a school district or with a superintendent of schools, although the principle involved may be similar.*

3. A similar Taylor Law case, *Wolkenstein et al. v. Reville et al.*, 77 Civ. 618, is currently before the United States District Court for the Western District of New York and a decision is pending.

4. The New York Educators Association of the National Education Association, which filed the suits on behalf of the complainants in *Starrs v. Bock*, *supra*, and in *Wolkenstein v. Reville*, *supra*, has indicated by letter to this petitioner that it is prepared to file a brief, as *Amicus Curiae*, in support of the petitioner should the Petition for a Writ of Certiorari be granted.

Respectfully submitted,

HARVEY S. KORNIT
Petitioner Pro Se

70-25 Yellowstone Boulevard
Forest Hills, New York 11375
Tel. No. 212-261-8578

* *Sanford v. Wilson (Carey)*, 416 U.S. 977 (1974), 421 U.S. 973 (1975), on appeal from the New York State Court of Appeals.